

**INSTRUCTIONS FOR FILING PETITIONS FOR
JUDICIAL CONSENT TO ABORTIONS
PURSUANT TO A.R.S. §36-2152(B)**

If you are a pregnant minor, are unmarried and live with a parent, A.R.S. §36-2152(B) requires written consent from one of your parents, your guardian, or your conservator for you to obtain an abortion. These instructions will tell you how to petition a superior court judge to authorize an abortion without parental consent and how the Arizona courts will hear and decide your Petition. The proceedings are confidential. No information about you or your Petition will be available to the public. There is no cost to you in seeking a judicial order.

1. Filing the Petition. You must complete the form of Petition attached to these instructions by printing or typing the information needed and file it with a clerk of the superior court (see list of addresses, attached). You may use a fictitious name such as “Jane Doe” or initials such as “J.D.” on the Petition, and you do not need to sign the Petition with your real name. However, you must put your real name and how the clerk can reach you on the Data Sheet. This Data Sheet with your real name will be kept separate from your case file; your true name will be kept confidential as required by the statute.

If you file the Petition in person, you must do so at the office of a clerk of the superior court (see list of addresses). After you file the Petition, the clerk will ask you to wait while the file is opened and a hearing date is scheduled.

If you file the Petition by mail, you must include a copy of the Data Sheet with your contact information so the clerk will know how to reach you. You should call the clerk of the superior court if you do not receive a Notice of Hearing within 48 hours of mailing the Petition.

2. Right to an Attorney. Pursuant to the statute, you have a right to be represented by an attorney at no expense to you. If you want to have a court-appointed attorney, please check the appropriate line on the Petition form. If possible, the clerk will inform you while you are waiting for the file to be opened of the name, address, and phone number of your court-appointed attorney. That attorney will represent you at the hearing and on any further appeal, if required.

3. The Hearing. When you file your Petition, the clerk will notify the assigned judge to arrange for a hearing. You have a right to a hearing and a ruling on your Petition within 48 hours of filing the Petition, excluding weekends and holidays. Before you leave the counter, if possible the clerk will give you a Notice stating the time and date of the

hearing. If you mail your Petition to the clerk, or if you file it in person and no judge is available the same day, the clerk will inform you as soon as possible using the means you designate on the Data Sheet of the date and time of your hearing. Failure to attend the hearing may result in the Petition being denied.

At the hearing, the judge must determine whether you are mature and capable of giving informed consent to the abortion. If you do not claim to be mature, or if the judge finds you are not mature, the judge must determine whether an abortion without consent from one of your parents, a guardian, or a conservator is in your best interests. The judge may ask you questions, and you have the right to introduce evidence at the hearing, concerning both of these determinations.

The judge may decide to appoint a guardian ad litem to recommend to the judge what is in your best interests. There is no expense to you if a guardian ad litem is appointed, and such appointment will not delay the hearing unless you agree to a postponement.

4. The Ruling. Within 48 hours of filing your Petition, excluding weekends and holidays, the judge will issue his or her decision. If the judge finds you are mature and can give informed consent to the abortion, or that an abortion without consent from one of your parents, a guardian, or a conservator is in your best interests, the judge will enter an Order authorizing the abortion. If the judge grants your Petition, the clerk specialist will prepare a certified copy of the Order for you to provide to your doctor.

If the judge denies your Petition, the clerk will provide a copy of the Order to you, on the same day it is issued, using the means you designate on the Data Sheet. You will also receive information about your right to appeal. See ¶¶ 5-7, below.

If you do not receive a ruling within 48 hours of the hearing, you should call or come to the clerk's office. If the judge does not enter a ruling within 48 hours of your filing the Petition, the Petition is considered granted and the clerk specialist will prepare a document entitled Certification of the Clerk for you to provide to your doctor.

5. Appeal Rights. If you are dissatisfied with the ruling, you have a right to an appeal. If you want to appeal, you should do so as soon as possible. A Notice of Appeal must be received by and filed in the superior court clerk's office no later than 15 days after the file-stamped date on the superior court Order or you will lose your right to appeal. If the 15th day falls on a weekend or a date the superior court is closed, the last day to appeal will be the next day the superior court clerk's office is open.

Prepare the Notice of Appeal form as you did the Petition and file it with the superior court clerk. There is no charge for filing an appeal. If you did not ask to be represented by a court-appointed attorney for the superior court hearing and want to be so represented on appeal at no charge to you, check the appropriate line on the Notice of Appeal.

If you deliver your Notice of Appeal in person, the clerk will call and inform the appellate court clerk that an appeal has been filed. The court of appeals will set a hearing on your appeal to be held within 48 hours of filing the appeal form, excluding weekends and holidays. If possible, the superior court clerk will inform you of the location, time and place of that hearing while you wait. If that is not possible, the court of appeals clerk will contact you with that information using the means designated on the Data Sheet. If you mail the Notice of Appeal to the superior court clerk, you must provide contact information so you can be advised of the date and time of the appellate hearing.

The superior court clerk will send you or your attorney a copy of the recording or transcript of the superior court hearing so that you have it prior to any appellate hearing. There is no cost to you for preparing the transcript or for the recording.

6. The Appeal Hearing. The court of appeals will hold the appeal hearing and issue a ruling on your appeal within 48 hours of the filing of your Notice of Appeal, excluding weekends and holidays. You may attend the appeal hearing in person or by telephone. If you indicate on the Notice of Appeal that you will attend the hearing by phone, the court of appeals will call you at the phone number you provide on the date and time indicated on the Notice of Hearing on Appeal. The court of appeals' decision will be provided to you using the means designated on the Data Sheet.

7. Further appellate review. If you are dissatisfied with the court of appeals' decision, you may file a Petition for Review to the Arizona Supreme Court. If you want the supreme court to review the matter, you should file a Petition for Review as soon as possible, but no later than 30 days after the court of appeals' ruling is filed. All of the procedures for filing the Notice of Appeal also apply to the Petition for Review, except the Petition for Review should be filed with the clerk of the court of appeals. A ruling must be issued within 48 hours of the filing of your Petition for Review, excluding weekends and holidays.

SUPERIOR COURTS IN THE STATE OF ARIZONA

Superior Court in Apache County

Sue Hall, Clerk

P.O. Box 365

St. Johns, AZ 85936

Phone: (928) 337-7550

Fax: (928) 337-2771

Superior Court in Cochise County

Denise I. Lundin, Clerk

P.O. Drawer CK

Bisbee, AZ 85603

Phone: (520) 432-8581

Fax: (520) 432-4850

Superior Court in Coconino County

Debra Young, Clerk

County Courthouse

200 N. San Francisco

Flagstaff, AZ 86001

Phone: (928) 779-6535

Fax: (928) 779-6655

Superior Court in Gila County

Margaret Toot, Clerk

1400 E. Ash

Globe, AZ 85501

Phone: (928) 425-3231, Extension 8560

Fax: (928) 425-7802

Superior Court in Graham County

Darlee Maylen, Clerk

County Courthouse

800 Main St.

Safford, AZ 85546

Phone: (928) 428-3100

Fax: (928) 428-0061

Superior Court in Greenlee County

Cheryl Bowen, Clerk

County Courthouse

P.O. Box 1027

Clifton, AZ 85533

Phone: (928) 865-4242

Fax: (928) 865-5358

Superior Court in La Paz County

Sheri Newman, Clerk

1316 Kofa Ave Ste. 607

Parker, AZ 85344

Phone: (928) 669-6131

Fax: (928) 669-2186

Superior Court in Maricopa County

Michael K. Jeanes, Clerk

Juvenile Court Center (Durango)

3125 W. Durango

Phoenix, AZ 85009

Phone: (602) 506-4041

Fax: (602) 506-4124

South East Facility

Melody Tinsley, Administrator, Juvenile
Division

222 E Javelina Ave.

Mesa, AZ 85210

Phone: (602) 506-4494

Fax: (602) 506-2852

Superior Court in Mohave County

Virlynn Tinnell, Clerk

P.O. Box 7000
Kingman, AZ 86402-7000
Phone: (928) 753-0790
Fax: (928) 753-0713, #4037

Superior Court in Navajo County

Juanita Mann, Clerk

County Courthouse
P.O. Box 668
Holbrook, AZ 86025
Phone: (928) 524-4188
Fax: (928) 524-4261

Superior Court in Pima County

Patricia Noland, Clerk

110 W. Congress, First Floor
Tucson, AZ 85701
Phone: (520) 740-3201
Fax: (520) 798-3531

Superior Court in Pinal County

Kristi Youtsey-Ruiz, Clerk

P.O. Box 2730
Florence, AZ 85232-2730
Phone: (520) 868-6296
Fax: (520) 868-6252

Superior Court in Santa Cruz County

Delfina E. Bauch, Clerk

Santa Cruz County Complex
2150 N. Congress Drive
Nogales, AZ 85621
Phone: (520) 375-7700
Fax: (520) 761-7857

Superior Court in Yavapai County

Jeanne Hicks, Clerk

County Courthouse
Prescott, AZ 86301
Phone: (928) 771-3312
Fax: (928) 771-3111

Superior Court in Yuma County

Beverly Frame, Clerk

County Courthouse
168 S. 2nd Avenue, Suite B
Yuma, AZ 85364
Phone: (928) 329-2164
Fax: (928) 329-2007

PETITION TO AUTHORIZE PHYSICIAN TO PERFORM ABORTION

4. I believe I am _____ weeks pregnant or my expected due date is _____.
5. I want to terminate my pregnancy by abortion.
6. _____ I am mature and capable of giving informed consent to the proposed abortion; AND
7. _____ It is in my best interests to have an abortion without the consent of my parent(s), guardian, or conservator.

For the reasons above stated, I respectfully request that this Court authorize a physician to perform an abortion at my request, without the consent of a parent, guardian, or conservator.

DATE: _____

(Petitioner's signature, using true name OR
fictitious name OR initials)

DATA SHEET

Judicial Consent to Abortions for Minors Pursuant to A.R.S. § 36-2152(B)

Petitioner's true name: _____

Fictitious name to be used (if any): _____

Name of attorney (if any): _____

Attorney's address: _____

Attorney's phone number: _____

Please indicate which of the following methods you wish to have the court use to contact you regarding this proceeding. **In making your decision as to how you want to be contacted, please keep in mind that the court must keep this matter strictly confidential.**

_____ The court may telephone me at the following number: _____

_____ The court may contact me by mail at the following address:

Street Address: _____

City, State, and Zip Code: _____

_____ The court may contact me at the following e-mail address: _____

_____ The court may contact me at the following fax number: _____

_____ I only want to be contacted personally and I am responsible for appearing in person at the office of the clerk of the superior court.

Date

Signature of Petitioner (Please use true name)

SUPERIOR COURT OF ARIZONA

_____ COUNTY

IN THE MATTER OF:

_____,

a minor

[Use true name of petitioner]

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CASE NO. _____

CERTIFICATION OF THE CLERK

The petitioner in this matter has filed a Petition to Authorize Physician to Perform Abortion, pursuant to A.R.S. § 36-2152(B). According to A.R.S. § 36-2152(E), if the Court has not held the hearing on the petition and issued a ruling within forty-eight hours after the petition was filed, excluding weekends and holidays, the petition is deemed to have been granted and the consent requirement is waived. The Clerk of this Court hereby certifies as follows:

1. The petition in this matter was filed on _____, 200__, at _____ o'clock ____m.

2. The Court was required to hold a hearing and issue a ruling on or before _____, 200__, at _____ o'clock ____m.

3. No ruling in this matter was issued within the time required by A.R.S. § 36-2152(E).

DATED: _____

Clerk of the Superior Court

SUPERIOR COURT OF ARIZONA
_____ COUNTY

IN THE MATTER OF:

_____,
a minor

**[Use fictitious name if petitioner
has so requested]**

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)
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CASE NO. _____

NOTICE OF HEARING

1. Your hearing date is: _____.
2. The location of your hearing is: _____.
3. The time of your hearing is: _____.
4. Your hearing judge is: _____.

**You are advised that failure to appear at the hearing at the time and date above
may result in the denial of your petition.**

DATE: _____

Deputy Clerk

Mailed/hand-delivered to
petitioner/petitioner's attorney
on _____, 200__.

_____?
a minor

NOTICE OF HEARING AND APPOINTMENT OF COUNSEL

- Name: _____
Address: _____
Phone number: _____

You are advised that failure to appear at the hearing at the time and date above may result in the denial of your petition.

DATE: _____

Deputy Clerk

Mailed/hand-delivered to
petitioner/petitioner's attorney
on _____, 200__.

SUPERIOR COURT OF ARIZONA
_____ COUNTY

IN THE MATTER OF:

_____,

a minor

**[Use fictitious name if petitioner
has so requested]**

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CASE NO. _____

ORDER DENYING PETITION

A hearing was held on a Petition to Authorize Physician to Perform Abortion on this ____ day of _____, 200__. The petitioner was present. The record was kept by _____. The name of the court reporter, if applicable, is _____. The petitioner was sworn and testified.

Based on the evidence presented, THE COURT FINDS AS FOLLOWS:

1. _____ The petitioner was represented by an attorney, _____, who was present at the hearing; OR

_____ The petitioner was advised of her right to court-appointed counsel and has knowingly and intelligently waived her right to counsel.

2. _____ was appointed by the court to act as a guardian ad litem for petitioner.

3. The health or life of the petitioner is not threatened by the pregnancy or carrying the fetus to term.

4. The petitioner is not mature, is incapable of giving informed consent to the proposed abortion, and it is not in the petitioner's best interests to have the proposed abortion without consent from one of her parents or her guardian or conservator for the following reasons:

THE COURT THEREFORE CONCLUDES AND ORDERS:

1. The requirements of A.R.S. § 36-2152(B) have not been met.
2. The petition is denied.
3. The clerk of the court shall forthwith provide petitioner or her attorney with a copy of this order and, if an appeal is filed, the record in this matter at no cost.
4. No member of the public shall inspect or obtain access to copies of this order or any other documents or records relating to this matter without the consent of the petitioner.
5. The record and evidence in this matter shall remain sealed and confidential.
6. No minute entry shall issue.

The Court has advised the petitioner and her attorney of the right to appeal.

DATE: _____

Judge of the Superior Court

A copy hereof was
hand-delivered/mailed
to petitioner/petitioner's attorney,
this __ day of _____, 200__.

SUPERIOR COURT OF ARIZONA
_____ COUNTY

IN THE MATTER OF:

a minor

[Use true name of petitioner]

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CASE NO. _____

ORDER GRANTING PETITION

A hearing was held on a Petition to Authorize Physician to Perform Abortion on this ____ day of _____, 200__. The petitioner was present. The record was kept by _____. The name of the court reporter, if applicable, is _____. The petitioner was sworn and testified.

Based on the evidence presented, THE COURT FINDS AS FOLLOWS:

1. ____ The petitioner was represented by an attorney, _____, who was present at the hearing; OR

____ The petitioner was advised of her right to court-appointed counsel and has knowingly and intelligently waived her right to counsel.

2. _____ was appointed by the court to act as a guardian ad litem for petitioner.

3. ____ The petitioner is mature and capable of giving informed consent to the proposed abortion; OR

____ The petitioner is not mature, but it is in the petitioner's best interests to have the proposed abortion without having to obtain consent from one of her parents or her guardian or conservator, based on the following factors:

THE COURT CONCLUDES AND ORDERS:

1. The requirements of A.R.S. § 36-2152(B) have been met.
2. The petition is granted. A physician chosen by the petitioner is hereby authorized to perform an abortion for petitioner without having to obtain the consent of her parents, guardian, or conservator.
3. The clerk of the court shall provide petitioner or her attorney with a certified copy of this order forthwith at no cost.
4. No member of the public shall inspect or obtain access to copies of this order or any other documents or records relating to this matter without the consent of the petitioner.
5. The record and evidence in this matter shall remain sealed and confidential.
6. No minute entry shall be issued.

DATE: _____

Judge of the Superior Court

A copy hereof was
hand-delivered/mailed
to petitioner/petitioner's attorney,
this ____ day of _____, 200__.
